TENTH REPORT

STANDING COMMITTEE ON LABOUR & WELFARE (1995-96)

(TENTH LOK SABHA)

MINISTRY OF LABOUR

[Action taken by Government on the Recommendations/Observations contained in the Fourth Report of the Standing Committee on Labour and Welfare on Ministry of Labour]

DEMANDS FOR GRANTS-1994-95

Presented to Lok Sabha on _____

Laid in Rajya Sabha on 5 MAY 1995

LOK SABHA SECRETARIAT
NEW DELHI

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CORRIGENDA TO THE TENTH REPORT ON THE ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS/ OBSERVATIONS CONTAINED IN THE FOURTH REPORT ON DEMANDS FOR GRANTS - 1994-95 OF MINISTRY OF LABOUR.

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COMPOSITION OF THE STANDING COMMITTEE ON LABOUR AND WELFARE
(1995-96)

Shrimati Chandra Prabha Urs – *Chairperson*

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4. Shri R.S. Misra – *Assistant Director*

INTRODUCTION

I, the Chairperson, Standing Committee on Labour and Welfare having been authorised by the Committee to submit the Report on their behalf, present this Tenth Report, Tenth Lok Sabha on Action Taken by Government on the recommendations contained in the Fourth Report, Tenth Lok Sabha on the Ministry of Labour – Demands for Grants, 1994-95.

2. The Report was considered and adopted by the Committee on 26 April, 1995.

3. The Report has been divided into the following Chapters :–

I. Report

II. Recommendations/Observations which have been accepted by the Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of Government replies.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

V. Recommendations/Observations in respect of which final replies of Government have not been received.

4. An analysis of the Action Taken by the Government on the Recommendations/observations contained in the Fourth Report of the Committee is given in Appendix. It would be observed that out of 12 recommendations made in Report, 4 recommendations *i.e.* 33% have been accepted by the Government. The Committee do not desire to pursue one recommendation *i.e.* 8% of their recommendations in view of the Government reply; 4 recommendations *i.e.* 33% in respect of which reply of the Government have not been accepted by the Committee and which require reiteration and 3 recommendations *i.e.* 25% in respect of which final replies of the Government have not been recieved.

NEW DELHI ;
20 *April*, 1995
30 *Chaitra*, 1917 *(Saka)*

CHANDRAPRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

CHAPTER I

REPORT

1. The Report of the Committee deals with the Action Taken by the Government on the recommendations contained in the Fourth Report (Tenth Lok Sabha) of the Committee on Labour and Welfare on the Ministry of Labour—Demands for Grants, 1994-95.

1.2 The Fourth Report was presented to Lok Sabha on 26 April, 1994. It contained 12 recommendations. Replies of Government in respect of these recommendations have been examined and are categorised as under : –

(i) Recommendations and observations which have been accepted by the Government :

Sl. Nos. 1, 2, 4 and 5

(Total 4 included in Chapter II of the Report)

(ii) Recommendations and observations which the Committee do not desire to pursue taking into consideration the replies of the Government :

Sl. No. 6.

(Total one included in Chapter III of the Report)

(iii) Recommendations and observations, replies to which have not been accepted by the Committee and which require reiteration :

Sl. Nos. 3, 9, 10 and 12.

(Total 4 included in Chapter IV of the Report)

(iv) Recommendations and observations in respect of which final replies have not been received :

Sl. Nos. 7, 8 and 11.

(Total 3 included in Chapter V of the Report)

1.3 The Committee will now deal with those action taken replies of the Government which need reiteration or merit comments :

Function of Employment Exchanges

Recommendation Sl. No. 3, Para 1.11

1.4 The Committee had recommended that the overall position of the functioning of the Employment Exchanges should be thoroughly

examined for their efficacious and active functioning. In their reply the Ministry has stated that the question of redefining the role of Employment Exchanges in the changing context has been engaging the attention of the Ministry of Labour. Preliminary discussions on the subject had already been held in the Ministry. The matter is proposed to be discussed further with the State Governments and the Planning Commission before formulating the views. The Ministry has, however, stated that a survey regarding functioning of the employment exchanges was conducted by DGET in the year, 1988.

1.5 The Committee is not satisfied with the reply of the Ministry. They fail to understand the reasons for not conducting any survey after the year 1988 in order to ascertain the activity status of employment exchanges. Keeping in view the fact that employment exchanges are the tools to help the unemployment and needy youths, the Committee strongly recommend that the DGET of the Ministry of Labour should conduct regular surveys to ascertain the level of functioning of employment exchanges. They would also like that survey reports for DGET should be furnished to them regularly for their perusal.

1.6 The Committee would also like to be apprised of the decision taken by the Ministry in consultation with Planning Commission regarding redefining the role of employment exchange in the changing context.

Uniform Policy regarding Minimum Wages for Beedi Workers

Recommendation Sl. No. 9, Para 2.47

1.7 The Committee had recommended that a national minimum wage should be pressed into practice for payment to Beedi Workers in order to stop their migration from one State to another through appropriate legislation. In their reply the Ministry has stated that the Committee of Labour Ministers of 11 States under the Chairmanship of the Labour Minister of West Bengal had looked into the matter of uniform policy regarding minimum wages for Beedi Workers and they have recently made certain recommendations for adopting minimum wages on regional basis. The recommendations of the Committee are being examined.

1.8 The Committee note that Ministry of Labour has furnished the same reply regarding minimum wages for Beedi Workers which they had furnished almost a year back. In their view the Ministry has taken a very casual approach in the matter. While reiterating their earlier

recommendation, the Committee urged upon the Ministry to take a final view on the recommendations made by the Committee of Labour Ministers for pressing into practice a uniform minimum wage for Beedi Workers without further loss of time. The Committee would also like to be appraised of the decision taken in this regard.

Studies relating to Child Labour

Recommendation Sl. No. 10, Para 2.62

1.9 The Committee had recommended that the Government should plan to have authentic data regarding the Child Labour in various areas of their concentration and the job should be entrusted to organisation like National Labour Institute which is the main organ of the Ministry without fail. The Committee had also recommended for opening of residential schools in a phased manner for those children who are orphans or homeless. In their reply, the Ministry has stated that the National Labour Institute has been entrusted with the task of taking up research studies and funds for the purpose have been made available in the year 1993-94. As regards opening up of residential schools, the Ministry has stated that they have requested Ministry of Welfare to take necessary action in the matter.

1.10 The Committee note that though the Ministry has entrusted the National Labour Institute for taking up research studies yet no time target has been fixed by the Ministry to complete the studies. They therefore, recommend that the Ministry of Labour should fix a target date by which the research studies should be completed. The Ministry should also take steps to have an authenticated data regarding child labour available in the country on the basis of 1991 census report without further loss of time.

1.11 The Committee urged upon the Ministry of Labour to take up the issue regarding opening of the residential schools for orphans or homeless with the Ministry of Welfare so that a decision arrived at in the matter without further delay.

World Bank Assisted Vocational Training Projects

Recommendation Sl. No. 12, Para 2.68

1.12 The Committee had recommended that the Central Government should have a thorough monitoring over the entire scheme and should ensure that the project is completed in the next two years' time. The Committee further desired to be informed about the progress made at

various stages in the implementation of the Scheme after every six months. In their reply, the Ministry has stated that as far as likely completion of procurement of equipment by 31st December, 1994 is concerned, it is submitted that in March, 1995 when the matter was reviewed by the Standing Committee our request for approval for procurement was pending with the World Bank and it was expected that approval would be received by end of March, 1994 to enable us to take further action. The World Bank had, however, responded by saying that the matter would be looked into when the World Bank Mission visited India during June, 1994. In spite of discussions with the Mission at the level of Secretary (Labour) and the Director General of Employment and Training in June, 1994, the Mission advised to delay action on procurement and civil work pending progress on certain other software components. The Ministry has however, initiated action in advance regarding procurement so that it gets completed in shortest possible time after final clearance from the World Bank is received. It is, however, apprehended that the earlier estimated time of completing procurement by December, 1995 may not be possible to adhere to in view of the non-receipt of clearance of the World Bank as anticipated.

1.13 While appreciating the efforts made by the Ministry in getting clearance for procurement of equipment from the World Bank, the Committee are of the opinion that the matter should have been resolved with the World Bank after taking help from the Department of Economic Affairs at an early stage. Nevertheless they desire that the Ministry of Labour henceforth take steps in advance for early completion of the project. While viewing the situation with great concern the Committee strongly recommend that progress reports pertaining to stages achieved in the implementation of the scheme should be furnished to the Committee after every six months without fail.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation Sl. No. 1, Para 19

2.1 It has been stated by the Ministry that the Labour Ministry unlike other Ministries in principally a regulatory Ministry. A lot of work done by Labour Ministry and also through its field organisations is in the nature of regulatory work for the purpose of securing labour standard industrial peace and labour welfare. However, the plan expenditure is seemingly not up to the mark. There is only one scheme in regard to which they have problem i.e. scheme on training .80 per cent of the plan allocation of the Ministry of Labour is for training. According to Ministry they have problem in regard to securing expenditure through the States for various reasons. The reason put forward by the Ministry for low expenditure in the plan scheme is not at all acceptable to the Committee. In view of the Committee the Ministry lacks coordination with the States and its monitoring is not upto the mark. The Committee therefore recommend that the Ministry of Labour should have a through monitoring over the Central as well as the Centrally Sponsored Schemes. They should also ensure that the funds allocated for various scheme are utilised during the financial year for which they are earmarked and the plan schemes are completed under the plan period. For this the matter should be taken at the highest level and the Committee should be informed about the progress made in various plan schemes after every six months.

Reply of Government

2.2 As regards concern of the Standing Committee on the lack of coordination with States on the monitoring aspect it is submitted that the position was explained by the Secretary (Labour) on 22nd March, 1994 in the meeting of the Standing Committee on Labour & Welfare (1994-95). It is further submitted that the Training Schemes (Plan) for which a major portion of Ministry of Labour's budget is allocated fall basically under two categories. Firstly the Vocational Training Project (VTP) being implemented with World Bank assistance and secondly the schemes being implemented from indigenous resources. As regards the second category the utilisation of plan funds has been quite high during 1993-94 against the Revised Estimates of Rs. 565.00 lakhs (B.E. Rs. 720 lakhs) the expenditure has been approx. Rs. 511 lakhs (Provisional).

2.3 However so far as the implementation of the World Bank aided Schemes are concerned there have been difficulties with regard to utilisation of plan funds due to various factors as explained by Secretary on 22.3.94. Nonetheless as a part of follow up action through the monitoring system, 96 communications had been issued from different levels to the States/UTs where the project is being implemented. The authorities addressed included Chief Ministers/Lt. Governors/ Governors/Chief Secretaries and State Directors. Now the concern of the Standing Committee has also been conveyed to the State/UT Governments immediately after receiving its recommendations.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Recommendation Sl. No. 2 Para 1 .10

2.4 The Committee learnt from the Ministry that out of 315 million strong labour force, 280 million is in the unorganised sector on which no authentic data is available with them. The Committee are also given to understand that sectoral analysis of the unorganised sector would be a colossal exercise involving huge time and money. The Committee nevertheless desire that some of the important sectors of unorganised industries such as civil construction, agricultural kiln and stone works, small time hoteliering etc. should be thoroughly surveyed taking into account the 1991 census report so as to provide adequate planning and remedial measures through appropriate legislation etc. for their welfare.

Reply of Government

2.5 In pursuance of the recommendations of the National Commission on Labour, the Labour Bureau was entrusted with the work for the conduct of surveys on working and living conditions of unorganised workers in the country. The Labour Bureau in consultation with various State Governments, Labour and Statistical Organisation identified a list of 44 industries/employments for undertaking such surveys (Annexure-I). The surveys have been completed in respect of 22 industries (Annexure-II). Presently a survey on workers engaged in stone querries is under progress.

2.6 As recommended by the Standing Committee studies on civil construction, Agriculture, kiln and stone works, small time hoteliering etc. will be undertaken in future in a phased manner during the remaining period of the Eighth Five Year Plan.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Recommendation Sl. No. 4 Para 2.11

2.7 The Committee are pained to note that wages and earnings survey based on 1983 was released in September, 1993 i.e. after 10 years and survey report on Employment and Unemployment based on 1983 is yet to be released. The reason given by the Ministry in this regard is not at all satisfying to the Committee. In their view while such reports and dates are very useful steps should be taken up for speedy processing and analysis in order to reduce time lag in their release. The Ministry's monitoring in this regard seems to be very poor. They should have initiated advance consultations between the National Sample Survey Organisation and Labour Bureau to finalise the questionnaire and format for the survey to minimise the gap in data requirements. The Committee are also unable to understand the idea behind proposing Rs. 90 lakhs in the Budget Estimates for the year 1994-95. They would therefore, like to see that progress made in this regard after six months and also the proposed utilisation of the money demanded by the Ministry in the Budget Estimates for the year 1994-95. For other surveys the Ministry in consultation with the Labour Bureau should fix the time target for releasing the reports because late release of results remain only for the sake of record and lose the purpose for which they were meant.

Reply of Government

2.8 The Ministry has noted the comments of the Standing Committee for strict compliance. The Labour Bureau had already intimated its requirements in respect of further surveys to the National Sample Survey Organisation (NSSO). Some of these requirements have also been placed before the Government Council of NSSO. Close liaison is being maintained with NSSO in this connection.

2.9 The Budget provision of Rs. 90 lakhs includes payment of Rs. 38 lakhs to NSSO for price data collection work and salary expenses on existing posts, apart from a proposal for creation of additional posts. As directed by the Committee a review of the expenditure will be undertaken after six months.

2.10 The Ministry has also initiated action to fix time targets for bringing out reports on each of the surveys presently being undertaken by the Labour Bureau.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Recommendation Sl. No. 5 Para 2 .20

2.11 The Ministry has accepted that there are delays in disposal of cases by Labour Tribunal Courts of Enquiry and Conciliation Boards number of pending cases have doubled from 4266 to 8400 between the period 31.12.1990 to 31.12.1993 due to inadequate number of Industrial Tribunals and Courts and delay in filling up vacancies of presiding officers. The Ministry has also stated that although the working group on Industrial Relations and the formulation of 8th Five Years Plan recommended for setting up of six more CGIT-cum-Labour Court yet owning to budgetary constraint sanctions for creation of only one Court at Jaipur could be accorded during the year 1992-93. Regarding the filling up of the vacancies of presiding officers the Ministry has stated that they are not in a position to get judges because eminent lawyers do not like to take up this job. The Committee are not at all happy with the situation. In their view the cases should be disposed of as quickly as possible. They, therefore, recommend the existing presiding officers may be allowed to continue till a new incumbent is found to replace them and they may be allowed to occupy the office upto 65 years of age as is the case of judges in Supreme Court or Professors in academic institutions. They also recommend for early setting up of 5 more CGIT-cum-Labour Courts as have been recommended by the Working Group on Industrial Relations.

Reply of Government

2.12 The recommendation regarding allowing the presiding officers of CGIT-cum-Labour Courts to continue in office upto 65 years of age is being further processed in consultation with the concerned authorities. The matter regarding setting up of five more CGIT-cum-Labour Courts as recommended by the Working Group on Industrial Relations is being pursued with Finance.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

CHAPTER III

RECOMMENDATIONS AND OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE TAKING INTO CONSIDERATION THE REPLIES OF THE GOVERNMENT

Recommendation Sl. No. 6 Para 2. 29

3.1 The Ministry has stated that the process of identification of accident prone mines is a continuous one done on year to year basis under the plan scheme. They have also stated that 10 coal mines in Bharat Coking Coal Limited and 11 coal mines in Eastern Coalfields Limited have been identified as accident prone based on the number of fatalities and number of persons sustaining serious injuries during the period 1989-93 but no action seems to have been taken against these coal mines. Also the target fixed for the year 1993-94 in regard to visits in connection with the safety campaigns are at a low ebb. The Committee are not at all happy with this situation keeping in view of the fact that in coal mines number of fatal accidents are at an increasing trend. The Committee, therefore, strongly recommended that a comprehensive survey should be carried out by the Director General, Mines in respect of the aged coal mines on time bound scale and remedial measures should be suggested for them. The matter should be taken up with the management of the coal mines so that the guilty are punished and the probability of untoward incident in future is minimised. The Committee would also like to apprise of the survey conducted in this regard alongwith the Ministry's planning to quip the mines within six months of the presentation of the report. The Committee should also be informed about the action taken against Bharat Coking Coal Limited and Eastern Coalfields Limited which have been identified as accident prone mines.

Reply of Government

3.2 The primary responsibility for ensuring safe working conditions in mines rests with the respective mine managements. The role of DGMS is to oversee that various safety provisions as laid down in the Mines Act, 1952 and regulations made thereunder are being strictly observed by the mine managements and to bring to book the managements who are found to have committed contraventions of the safety regulations which have led to or have the potential of causing serious accidents. Apart from this regulatory role, the other role of DGMS is of an advisory nature for evolving guidelines in consultation with the mine managements and

equipments manufacturers, academic and research institutions and workers unions for improving safety in mines in step with rapidly changing technology till they take the shape of statutory provisions.

3.3 Annual Safety Weeks are held in various mining areas both in coal and non-coal sector to inculcate safety consciousness amongst workers supervisors etc.

3.4 Target visits in connection with safety campaigns shown are in respect of visits by officers under SAPICOM Plan Scheme. Other officers posted in field offices also make visits in connection with Safety Campaigns.

3.5 Most of the underground coal mines are quite old. Keeping in view manpower constraints in Directorate General of Mines Safety, comprehensive Safety Audit of most of the Coal mines was got done through the managements with the help of teams of mining engineers. However, the deficiencies observed are being followed up for rectification. Particular attention is being paid by Directorate General of Mines Safety in respect of identified accident-prone mines in Bharat Coking Coal Limited, and Eastern Coalfields Limited. During the year 1992 and 1993, there were 165 and 159 fatal accidents in coal mines. The number of fatal accidents in the mines of Bharat Coking Coal Limited was 29 in 1993 as compared with 39 in 1992. In the mines of Eastern Coalfields Limited, there were 22 fatal accidents in 1993 against 34 in 1992.

3.6 Following actions were taken in respect of Coal mines during 1993 :

- 23 permissions were withdrawn.
- 8 improvement notices as compared with 3 in 1992 were issued.
- 38 prohibitory orders as compared with 5 in 1992 were issued.
- During the year 1993, seventeen (17) prohibitory orders and improvement notices were issued in the mines of Eastern Coalfields Limited and 14 in the mines of Bharat Coal Ltd.
- Statutory competency certificates of 18 subordinate supervisory officials were suspended.

- 38 prosecutions as compared with 17 in 1992 where instituted for contravention of various provisions of the Mines Act and subordinate legislation.

- During the year 1993 and 1994 the following prosecutions have been launched against the BCCL and ECL.

	1993	1994
BCCL	12	4
ECL	10	3

Apart from the legislative and enforcemental measures, promotional and educational measures were continued. The contraventions observed during inspections and inquiries by the officers of Directorate General of Mines Safety are pointed out to the managements who have the responsibility under the Mines Act to take steps for rectification of the defects.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

CHAPTER IV

RECOMMENDATIONS AND OBSERVATIONS, REPLIES TO WHICH HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation Sl. No. 3 Para 1 to 11

4.1 The Committee also observe that despite rising unemployment in the country the total number of registrations with the employment exchanges over the country are showing a declining trend. Alongwith this, is the fact that some persons continued to be registered with Employment Exchanges for better opportunities despite their holding jobs. The Committee are therefore, of the view that the overall position of the functioning of the Employment Exchanges should be thoroughly examined for their efficacious and active functioning.

Reply of Government

4.2 It is a fact that the number of registrations with the Employment Exchanges has shown a declining trend in the past. This could be attributable to the fact that the role of the Employment Exchanges has been declining as the number of vacancies being notified to the Employment Exchanges have fallen with the setting up of various Governmental agencies for recruitment of staff like the Staff Selection Commission, Banking Recruitment Boards etc. Further the registration with the Employment Exchanges being voluntary, while all un-employed persons do not get their names registered with he Employment Exchanges, some of the employed persons also register their names for better prospects. On the basis of a survey conducted during 1988 by the DGE&T it was revealed that about 33% of the job seekers registered with the Employment Exchanges were already employed.

4.3 The question of re-defining the role of Employment Exchanges in the changing context has been engaging the attention of the Ministry of Labour. Preliminary discussions on the subject have already been held in the Ministry. The matter is proposed to be discussed further with the State Governments and the Planning Commission before formalising the views.

[Ministry of Labour O.M. No. 16/11/CLW/93 dated 26.04.1994]

Comment of the Committee

(Please see para No. 1.5 of Chapter I)

Recommendation Sl. No. 9 Para No. 2 . 47

4.4 The Committee have been informed that identification of Beedi workers is the main issue creating hindrance in extending welfare scheme to them. As per rule the onus of issuing identity cards to the Beedi workers rests with the employer/contractor. The reputed Beedi managements/ contractors are issuing identity cards to the Beedi workers but the Beedi Management of unbranded beedies are hesitant to issue identity cards to their workers for various reasons on account of which the Beedi Workers are being deprived of the benefits being extended to them from the beedi workers welfare fund. The Committee, therefore, strongly recommend that arrangement should be made by the Government to issue identity cards to all the beedi workers so that benefits should be extended to them from the Beedi workers welfare fund. The Committee may be informed of the progress made in this regard within six months of the presentation of the report. The Committee also recommend that the national minimum wage should be pressed into practice for payment to the beedi workers in order to stop their migration from one State to another through appropriate legislation.

Reply of Government

4.5 Importance of issue of identity cards to the remaining beedi workers on priority basis has been strongly reiterated upon the field organisation of the LWO at all levels and monthly targets have been given to the medical officers and other field staff for issue of identity cards to beedi workers. Apart from this, the State Government of Madhya Pradesh have also taken up campaign through their Labour Directorate for identification and issue of identity cards to the beedi workers. Other State Governments are being requested to take up similar campaign in their respective States.

4.6 The Committee of Labour Ministers of 11 States under the Chairmanship of the Labour Minister of West Bengal had looked into the matter of uniform policy regarding minimum wages for beedi workers and they have recently made certain recommendations for adopting minimum wages on regional basis. The recommendations of the Committee are being examined.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Comments of the Committee

Please see para No. 1.8 of Chapter I.

Recommendation Sl. No. 10 Para No. 2 –.62

4.7 The Committee are pained to note that the Ministry is not at all serious in implementing the recommendations made by the Committee in their third report on Abolition of Child Labour. The Committee's stress has been to institute a comprehensive socio-economic study of child labour problem in relation to emerging social realities after taking into account 1991 census report. They have also recommended that a comprehensive survey should be conducted State-wise on a time bound scale in areas of child labour concentration such as Beedi workers, fire works, glass works, carpet weaving etc. where large number of children are employed. In view of the Committee unless the Ministry have authentic data by carrying out surveys they were not in a position to carry out proper planning for the elimination of child problem in a phased manner. By simply adding the number of children and entrusting the welfare schemes to one or two non-government organisations is not going to serve the purpose. The Committee therefore, strongly recommend that the Government should plan to have authentic data regarding the child labour in various areas of their concentration and the job should be entrusted to organisation like National Labour Institute which is the main organ of the Ministry without fail. NGOs, Trade Unions etc. may also be associated in surveys. The Committee also reiterate their recommendation for opening up of residential schools in a phased manner for those children who are orphan or homeless.

Reply of Government

4.8 Steps taken by the Ministry of Labour for conducting studies/ surveys in areas of concentration of child labour are detailed in the action taken report in respect of IIIrd report of the Standing Committee. The National Labour Institute has been entrusted with the task of taking up research studies and funds for the purpose have been made available in the year 1993-94 itself.

4.9 The Ministry of Welfare has been requested to take necessary action regarding opening of residential schools for orphans or homeless.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Comments of the Committee

Please see Para No. 1.10 and 1.11 of Chapter I.

Recommendation Sl. No. 12 Para 2.68

4.10 The Ministry has accepted that the progress of the project has been slow. The reasons given for the delay on the part of the State Governments relate to providing lands for civil construction in certain cases, executing civil works, furnishing up requirement of equipment etc. This clearly indicates that the Central Government lacks coordination with

the State and there has been virtually no monitoring on the part of Central Government. The Ministry should have tried for full utilisation of the funds both Central and Centrally sponsored schemes. The Ministry have not assured the Committee that all the equipments would be purchased by 31st December, 1995 and they will be able to complete the implementation of the project in the next two years. The Committee, therefore, recommend that the Central Government should have a thorough monitoring over the entire scheme and should ensure that the project is completed in the next two years time. Also the Committee would like to be informed about the progress made at various stages in the implementation of the scheme after every six months.

Reply of Government

4.11 So far as the observations on monitoring of the implementation of the schemes is concerned our comments in reply to recommendation Sl. No. 1.9 may kindly be seen.

4.12 As far as likely completion of procurement of equipment by 31st December, 1995 is concerned, it is submitted that in March, 1994 when the matter was reviewed by the Standing Committee, our request for approval for procurement was pending with the World Bank and it was expected that approval would be received by end of March, 94 to enable us to take further action. The World Bank had, however, responded by saying that the matter would be looked into when the World Bank Mission visited India during June, 1994. In spite of discussions with the mission at the level of Secretary (Labour) and Director General of Employment and Training in June, 1994, the mission advised to delay action on procurement and civil work pending progress on certain other software components. The Ministry has however, initiated action in advance regarding procurement so that it gets completed in shortest possible time after final clearance from the World Bank is received. It is, however, apprehended that the earlier estimated time of completing procurement by December, 95 may not be possible to adhere to in view of the non-receipt of clearance of the World Bank as anticipated. Training which also envisages establishment of an apex Hi-Tech. Similarly, one of the schemes namely Hi-Tech Institute at Bangalore is likely to spill-over beyond 1995 since the offer of the International Consultants which was received in the first week of July, 1994 is being examined. Thereafter clearance from all concerned including the World Bank will have to be obtained before actually commencing implementation of the scheme.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Comments of the Committee

Please see Para No. 1.13 of Chapter I.

CHAPTER V

RECOMMENDATIONS AND OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES HAVE NOT BEEN RECEIVED

Recommendation Sl. No. 7 Para 2 .38

5.1 The Ministry has stated that the Government allows expenditure to the extent that is collected every year by transfer to reserve fund from various welfare funds established under respective enactments. However, the Ministry has not been able to withdraw money for the expenditure to the maximum extent out of fund as it is tied up with the remittance in public accounts. The Ministry is, therefore, proposing to have a separate autonomous body like Provident Fund Organisation and ESI Corporation so that there is greater flexibility in withdrawing the money. In view of the Committee this is a welcome suggestion. The welfare money should be available to the workers at the hour of their need. The Committee, therefore, recommend that the Ministry's proposal for having a separate autonomous body for the reserve fund should be looked into by the Government without further loss of time so that the money is used for the cause for which it has been raised.

Reply of Government

5.2 An autonomous arrangement for the administration of the welfare funds is under detailed examination.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

Recommendation Sl. No. 8 Para 2.46

5.3 The Ministry's assertion that they give priority for setting up more number of new dispensaries instead of setting up new hospitals in order to make medical facilities more readily accessible to Beedi workers is a welcome suggestion. However, the Committee's experience in this regard have not been very good. During their visit to areas of Beedi workers concentration at Bangalore and Mysore, the Committee noticed that the dispensaries run for the welfare of Beedi workers were in pitiable condition. No facility for X-Ray and Pathology was available there. More so most of the workers suffer from tuberculosis, asthma and cancer disease. In the absence of proper medical assistance they have to run from pillar to post. The Committee, therefore, recommend that every taluk centres and

district headquarters of Beedi workers concentration should have at least 25 beds and 100 beds hospital respectively which will facilitate the workers for the treatment of T.B. and Cancer. Also the dispensaries running under the scheme should be provided with basic diagnostic facilities like X-Ray and Pathology etc. The Committee also recommend that there should be periodical inspections of these dispensaries and hospitals by the respective Welfare Commissioners and a report should be furnished to the Ministry for their monitoring. The Committee also note that health and housing are the basic needs of the workers engaged in organised and unorganised sectors and as such workers in other areas such as Agarbathi workers etc. should also be brought into the scope of the health and housing welfare schemes. For this necessary legislation should be brought by the Government for their coverage.

Reply of Government

5.4 Setting up of a 50 bed hospital involves capital investment of about Rs. 6 crores and annual recurring expenditure of Rs. 25 lakhs. The annual cess collection is around Rs. 12–13 crores only. It is not adequate to meet the expenditure on setting up of more number of hospitals as recommended. Besides this would affect availability of funds for other welfare schemes like education, housing etc. It may however be mentioned that there is a provision for providing financial assistance to Beedi workers suffering from T.B. including reservation of beds in Govt. hospitals and recognised T.B. hospitals. Similarly workers, suffering from Cancer can claim reimbursement of expenditure incurred on treatment in recognised hospitals. Provision of referral services like X-Ray and Pathology does not come within the basic medical facilities. The Beedi workers dispensaries provide only basic medical services. X-Ray facilities are not available even in Primary Health Centres which are higher level medical institutions than dispensaries. Setting up of diagnostic facilities like X-Ray and Pathology would involve capital outlay of even Rs. 10 crores for 155 dispensaries under the Beedi Workers Welfare Fund and also recurring expenditure in the form of salary of Radiologist and laboratory technicians etc. However, there is a provision that beedi workers in need of such referral services may be referred to by the concerned medical officers to the local State Government run hospitals or private laboratories wherever facilities in Government hospitals are not available and necessary reimbursement may be made to the Beedi workers. Periodical inspections are being carried out by the Welfare Commissioners and corrective actions wherever necessary are taken. Apart from this, officer of LWO from the Headquarters also visit the dispensaries from time to time to conduct general inspection

during their tours. However, these instructions are being reiterated. Information in respect of number and distribution of agarbathi workers and a detailed report on their working conditions etc. has been called for from the State Governments in the first instance. On receipt of this information the proposal for framing a legislation in this respect will be examined.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.4.1994]

Recommendation Sl. No. 11 Para 2 .63

5.5 The Committee are of the view that the employers should be brought under necessary legislation so that they contribute certain percentage of money for the Welfare educational and health of the child labour for the purpose. The Child Labour Prohibition and Regulation Act, 1986 should be amended to provide stringent punishment to the employers violating the law.

Reply of Government

5.6 As indicated in the Action Taken Report on the third report, the recommendation regarding legislation in respect of employers is under examination.

[Ministry of Labour O.M. No. 16/1/1/CLW/93 dated 26.04.1994]

NEW DELHI ;
20 *April*, 1995
30 *Chaitra*, 1917 *(Saka)*

CHANDRAPRABHA URS,
Chairperson,
Standing Committee on Labour and Welfare.

ANNEXURE - I

(Vide para 2.5 of Chapter II)

LIST OF INDUSTRIES/EMPLOYMENT PROPOSED TO BE COVERED UNDER THE UNORGANISED SECTOR SURVEYS

1. Collection of Tendu Leaves, Salseeds and other forest produce.
2. Readymade Garments.
3. Marble and Stone-ware.
4. Brick-Kilns.
5. Forest/Tribal workers engaged in preparation of forest crops, Marking of trees in forest, felling of timber, Loading and unloading operations relating to timber in forest.
6. Leather Training and Footwear.
7. Graphite Crucibles.
8. Tapioca Products.
9. Manmade Silk.
10. Handloom Products.
11. Carpet manufacturing.
12. Coir Fibre and Yarn.
13. Bangle Making.
14. Bakeries.
15. Bidi rolling, etc.
16. Cane crushing and Indigenous Sugar.
17. Building Construction.
18. Rice Shellers.
19. Power looms.

20. Rural Workers engaged in Cottage and Village Indu: including Agriculture.
21. Rural workers engaged in Animal husbandry including sheep and goat keeping.
22. Fisherman.
23. Workers engaged in collection of raw hides and skins and t
24. Workers engaged in stone quarries.
25. Workers engaged in saw mills, oil mills and dal mills.
26. Workers engaged in fire-clay and lime.
27. Hand Printing.
28. Artistic Textiles.
29. Embroidery and Zari Work.
30. Metalware.
31. Jewellary.
32. Art Bangles and Beeds.
33. Conch shells.
34. Wood work and carving.
35. Ceramics.
36. Cane, Bamboo, Stone, etc.
37. Flax and fibre.
38. Toys and Dolls.
39. Paper mache.
40. Ivory, Horn and Bone.
41. Leather Art Work.
42. Musical Instruments.
43. Incense and Perfumery.
44. Other unorganised industries/employments.

(Vide para 2.5 of Chapter II)

LIST OF INDUSTRIES ALREADY COVERED

1. Building Construction Industry in Delhi.
2. Fire Works Industry in and around Sivakasi (T.N.).
3. Jari Industry in Surat (Gujarat).
4. Match Industry in and around Sivakasi (T.N.).
5. Hosiery Industry in Ludhiana (Punjab).
6. Metalware Industry in Moradabad (U.P.).
7. Metalware Industry in Jagadhari (Haryana).
8. Brick Kiln Industry in Chandigarh (U.T.).
9. Brick Kilns Industry in Punjab.
10. Brick Kilns Industry in Haryana.
11. Rice Shelling Industry in Haryana.
12. Rice Shelling Industry in Punjab.
13. Cashewnut Processing Industry in Kerala.
14. Agarbati Industry in Karnataka.
15. Indigenous Sugar Industry in U.P.
16. Carpet Manufacturing Industry in India.
17. Handloom Industry in india.
18. Powerloom Industry in India.
19. Saw Mills, Oil Mills and Dal Mills in India.
20. Readymade Garments Industry in India.
21. Toys and Dolls Industry in India.
22. Bakeries Industry in India.

MINUTES OF THE THIRD SITTING OF THE STANDING COMMITTEE ON LABOUR AND WELFARE HELD ON 20 APRIL, 1995

The Committee sat from 11.00 hrs. to 14.00 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Sm.t Chandra Prabha Urs—*Chairperson*

MEMBERS

Lok Sabha

2. Shri Siddappa Bhimappa Nyamagoudar
3. Dr. P. Vallal Peruman
4. Dr. Chinta Mohan
5. Shri B. Akbar Pasha
6. Prof. Rasa Singh Rawat
7. Shri Ram Narain Berwa
8. Shri Shiv Raj Singh Chauhan
9. Shri Mahendra Baitha
10. Shri Ajoy Mukhopadhyay
11. Shri Vishwanath Shastri

Rajya Sabha

12. Shri Gundappa Korwar
13. Shri Kameshwar Paswan
14. Shri Ram Ratan Ram
15. Shri Jibon Roy
16. Shri Joyanta Roy

SECTRETARIAT

1. Shri G.C. Malhotra — *Joint Secretary*
2. Shri Satish Loomba — *Deputy Secretary*
3. Shri R.S. Misra — *Assistant Director*

The Committee considered and adopted the Draft Report on Action Taken by Government on the recommendations/observations contained in the Fourth Report of the Committee on Demands for Grants, 1994-95 of the Ministry of Labour without any amendment.

The Committee authorised the Chairperson to finalise the Report and present the same to Parliament.

The Committee then adjourned

APPENDIX - II

(*Vide* Introduction of the Report)

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE 4TH REPORT OF THE STANDING COMMITTEE ON LABOUR AND WELFARE (TENTH LOK SABHA)

I.	Total number of Recommendations	12
II.	Recommendations/Observations which have been accepted by Government (Nos. 1, 2, 4 and 5)	Total 4
	Percentage	33%
III.	Recommendations/Observations which the Committee do not desire to pursue in view of Government replies (No. 6)	Total 1
	Percentage	8%
IV.	Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee (Nos. 3, 9, 10 and 12)	Total 4
	Percentage	33%
V.	Recommendations/Observations in respect of which final replies of Government are still awaited (Nos. 7, 8 and 11)	Total 3
	Percentage	25%